

***Remarks***

***Notice of Non-compliant amendment***

In the Notice of Non-compliant amendment mailed August 2, 2006, the Examiner indicated that claim 39 was improperly presented in the Reply to Office Action filed on May 18, 2006, and requested appropriate correction. Applicants thank the Examiner for identifying the improper presentation. Claim 39 presented herewith corrects this inadvertent typographical error by placing the word "and" after item (e) rather than item (f), as set forth in Applicants' Response to Restriction Requirement and Amendment and Remarks filed on July 28, 2005. In view of this correction, Applicants respectfully request that the Examiner consider and enter the Amendments and Remarks filed on May 18, 2006, re-presented herewith in their entirety.

***Status of the Claims***

Upon entry of the foregoing amendments, claims 39-56 are pending in the application, with claims 39, 50, and 52 being the independent claims. Claims 50-56 are withdrawn. Claims 39 and 49 have been amended. Support for the claim amendments may be found in the original claims and throughout the specification, for example at page 33, line 28 (i.e., integrase protein). Thus, no new matter is added by way of these amendments, and their entry is respectfully requested.

Based on the above amendments and the following remarks, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding rejections.

***Information Disclosure Statement***

The Examiner has indicated that Applicant's Eighth Supplemental information disclosure statement is not in compliance with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance of foreign patent documents AL20 and AM20.

Document AS213 in Applicant's Eighth Supplemental information disclosure statement is the English language abstract of the foreign patent documents AL20 and AM20 and thus serves as a concise explanation of the relevance of documents AL20 and AM20. Accordingly, Applicant's Eighth Supplemental information disclosure statement is in compliance with 37 CFR 1.98(a)(3).

***Claim Rejections Under 35 U.S.C. § 112, Second Paragraph***

Claim 49 was rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 49 was rejected as being indefinite over the recitation "the isolated nucleic acid molecules of claim 39," because it was not clear whether claim 49 encompasses a host cell comprising a single recited sequence or whether the claim requires a cell comprising all the isolated nucleic acids of claim 39. In addition, the claim was rejected as being drawn to a "host cell," rather than an isolated host cell.

Claim 49 has been amended to recite "An isolated host cell comprising one or more isolated nucleic acid molecules of claim 39." Thus, it is clear that the claimed host

cell may include one or more of the recited nucleic acid molecules, and does not occur naturally. Accordingly, applicants respectfully request that the rejection of claim 49 under 35 U.S.C. § 112, second paragraph be withdrawn.

***Claim Rejections Under 35 U.S.C. § 112, First Paragraph***

Claims 39-49 were rejected because the specification does not provide enablement for any isolated nucleic acid molecule comprising the nucleotide sequence ATTATAC “located within a recombination site.” The Office Action states that the “claims are sufficiently broad so as to encompass molecules comprising the sequence ATTATAC located within any type of recombination site.” The Office Action further indicates that while the specification “enables the use of one particular type of nucleic molecule encompassed by the claims,” “the specification does not disclose the use of the molecules comprising this 7 base pair sequence located in any type of non-att recombination site.”

In order to satisfy the written description requirement, the specification must provide an adequate "written description of the invention, and of the manner and process of using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art ... to make and use the same." 35 U.S.C. § 112, first paragraph.

The claims as amended recite an isolated nucleic acid molecule comprising a nucleotide sequence that is located within a recombination site recognized by the integrase recombination protein (*i.e.*, an *att* recombination site). Applicant’s specification provides sufficient guidance as to which recombination sites are recognized

by the integrase recombination protein (see page 5, lines 15-17; page 33, lines 26-28).

Thus, Applicant's specification provides sufficient guidance to allow those of ordinary skill in the art to make and use the claimed nucleic acid molecules. Applicant's therefore respectfully request that the rejection of claims 39- 49 under 35 U.S.C. § 112, first paragraph be withdrawn.

***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,  
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